

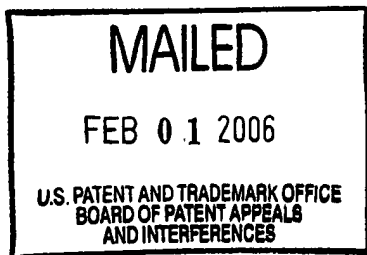
UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte YUICHI SHIROTA, HISASHI TANAKA,  
HIROSHI NONOYAMA, KAZUSHI SHIKATA, YUKIO UEMURA,  
HIKARU SUGI and MANABU MIYATA



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Appeal No. 2006-0665  
Application No. 09/531,531

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ORDER REMANDING TO EXAMINER

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On July 1, 2005, an Order Returning Undocketed Appeal to Examiner was mailed which requested that the examiner take corrective action regarding the processing of the Terminal Disclaimer filed March 10, 2003. On July 15, 2005, a communication was mailed which stated that "the terminal disclaimer has been processed and this communication is intended to alert both the Board and Appellant that this application has been so processed."

However, further examination of the Image File Wrapper (IFW) reveals that an Examiner's Answer was mailed April 22,

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2004. Pursuant to a memorandum dated April 29, 2002 by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy:


Effective immediately, no appeal should be forwarded to the Board of Patent Appeals and Interferences for decision where: . . . (2) a rejection is supported in whole or part by a prior art document not in the English language, unless accompanied by a translation of the prior art document into English.

This IFW is not in compliance with the above because it does not contain a certified English translation of the Japanese reference to Valeu, JP6-156049, dated June 3, 1994, which was relied upon by the Examiner in his rejection of the claims.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for providing a certified English language translation for the Japanese reference to Valeu, JP6-156049, dated June 3, 1994, having a complete copy of the reference scanned into the IFW, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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DMS:psb

Appeal No. 2006-0665  
Application 09/531,531

cc:       Harness, Dickey & Pierce, P.L.C.  
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